

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ATLANTIC SPECIALTY INSURANCE
COMPANY, a New York company; MARKEL
AMERICAN INSURANCE COMPANY, a
Virginia corporation,

Plaintiffs,

vs.

MATT GODDEN, an individual; HARLEY
FRANCO, an individual; HMS PARTNERS,
LLC, a Washington company,

Defendants.

No. 2:21-cv-01244-BJR

**STIPULATION AND ORDER OF
DISMISSAL OF ALL CLAIMS**

STIPULATION

The parties, by and through their respective counsel, hereby stipulate as follows:

1. That all claims and counterclaims in the current action may be dismissed with prejudice and without fees or costs, and that the Order below dismissing those claims may be entered.

2. The parties acknowledge that coverage issues may exist with respect to other underlying suits involving Harley Franco, including but not limited to the 2019 action titled *Franco v. Harley Marine Services, Inc. et al.*, Superior Court of Washington, King County (cause no. 19-2-10851-7SEA), and nothing in this Stipulation and Order of Dismissal of All Claims for

STIPULATION AND ORDER OF DISMISSAL OF ALL CLAIMS – 1
Cause No.: 2:21-cv-01244-BJR

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FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
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SEATTLE, WASHINGTON 98164
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the current action is intended to preclude on the basis of *res judicata*, claim splitting or claim preclusion any party from bringing an action in any court to resolve the coverage issues for any other underlying suit.

//

DATED this 30th day of November 2022.

FORSBERG & UMLAUF, P.S.



Ryan J. Hesselgesser, WSBA #40720
Sally A. Clements, WSBA #54502
Attorneys for Plaintiff Atlantic Specialty
Insurance Company

DATED this 30th day of November 2022.

KAUFMAN BORGEESE & RYAN LLP

s/Michael F. Perlis email approval attached

Michael F. Perlis, Admitted Pro Hac Vice
Attorneys for Markel American Insurance

DATED this 30th day of November 2022.

MARINO, TORTORELLA & BOYLE, P.C.



Kevin H. Marino, Admitted Pro Hac Vice
John D. Tortorella, Admitted Pro Hac Vice
John A. Boyle, Admitted Pro Hac Vice
Attorneys for Defendant Matt Godden

DATED this 30th day of November 2022.

WILSON SMITH COCHERN
DICKERSON

s/Lisa C. Neal email approval attached

Lisa C. Neal, WSBA #25686
John M. Silk, WSBA #15035
Attorneys for Plaintiff Markel American
Insurance Company

DATED this 30th day of November 2022.

PERKINS COIE LLP



Ronald L. Berenstein, WSBA #7573
Sean C. Knowles, WSBA #39893
Joseph E. Bringman, WSBA #15236
Attorneys for Defendant Matt Godden

ORDER

THIS MATTER having come on before the above-entitled court on the above stipulation of the parties through their counsel of record, now, therefore, it is hereby ORDERED that all claims and counterclaims herein be dismissed with prejudice and without costs or attorney's fees to any party.

DONE this _____ day of _____, 2022.

The Honorable Barbara J. Rothstein
United States District Judge

Presented by:

FORSBERG & UMLAUF, P.S.



Ryan J. Hesselgesser, WSBA #40720
Sally A. Clements, WSBA #54502
Attorneys for Plaintiff Atlantic Specialty
Insurance Company

WILSON SMITH COCHERN
DICKERSON

s/Lisa C. Neal email approval attached

Lisa C. Neal, WSBA #25686
John M. Silk, WSBA #15035
Attorneys for Plaintiff Markel American
Insurance Company

KAUFMAN BORGEEST & RYAN LLP

s/Michael F. Perlis email approval attached

Michael F. Perlis, Admitted Pro Hac Vice
Attorneys for Plaintiff Markel American
Insurance Company

1 PERKINS COIE LLP

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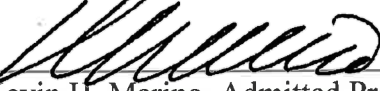
Ronald L. Berenstein, WSBA #7573

3 Sean C. Knowles, WSBA #39893

Joseph E. Bringman, WSBA #15236

4 Attorneys for Defendant Matt Godden

5 MARINO, TORTORELLA & BOYLE, P.C.

6 

7 Kevin H. Marino, Admitted Pro Hac Vice

John D. Tortorella, Admitted Pro Hac Vice

8 John A. Boyle, Admitted Pro Hac Vice

9 Attorneys for Defendant Matt Godden

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STIPULATION AND ORDER OF DISMISSAL OF ALL CLAIMS – 4
Cause No.: 2:21-cv-01244-BJR

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Marissa C. Califano

From: Neal, Lisa C <L.Neal@wscd.com>
Sent: Wednesday, November 30, 2022 11:51 AM
To: Marissa C. Califano
Cc: Ryan J. Hesselgesser; Sally A. Clements; Neal, Lisa C
Subject: RE: Atlantic Specialty Insurance v. Godden et al. - ER 408 Settlement Communication

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you – you may sign for Mike Perlis and for Lisa Neal. Lisa

From: Marissa C. Califano <MCalifano@foum.law>
Sent: Wednesday, November 30, 2022 10:23 AM
To: Neal, Lisa C <L.Neal@wscd.com>
Cc: Ryan J. Hesselgesser <rhesselgesser@foum.law>; Sally A. Clements <sclements@foum.law>
Subject: RE: Atlantic Specialty Insurance v. Godden et al. - ER 408 Settlement Communication

Good morning,

Attached is the final version of the stipulation and order of dismissal for your review.

Thank you,

Marissa C. Califano
Legal Assistant

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